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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,220	11/19/2001	J. William Tamargo	4021-2	8211
7590	07/01/2005		EXAMINER	
NIXON & VANDERHYE P.C.			DUONG, THOMAS	
8th Floor 1100 North Glebe Road Arlington, VA 22201-4714			ART UNIT	PAPER NUMBER
2145				

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/988,220	TAMARGO, J. WILLIAM	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas Duong	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 November 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-37 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-37 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/5/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, 11-17, 19, 21-27, 29-30, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Zimmers et al. (US006816878B1).

3. With regard to claims 1, 15, and 25, Zimmers discloses,
  - *monitoring the at least one source of data for content information related to risk events; (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64)*  
  
Zimmers teaches of an alert notification system that “[includes] a database server 104 for storing a database of information … to evaluate alerts and to deliver alert notifications to appropriate persons” (Zimmers, col.6, lines 41-45). According to Zimmers, the system also includes “a Notification Parsing System 106, which is connected to a receiver 108 that receives continuous data feed from a satellite 109 and/or is connected to a radio receiver … that receives continuous data

*feeds from a radio transmitter*" (Zimmers, col.6, lines 41-52). Also, "*in addition to satellite and radio broadcasts, NPS 106 may also receive information via Internet destination*" (Zimmers, col.6, lines 55-58).

- *analyzing the content information to identify risk events related to a group of said individuals, and* (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64; col.26, lines 1-27)

Zimmers teaches of an alert notification system that "*[includes] a database server 104 for storing a database of information ... to evaluate alerts and to deliver alert notifications to appropriate persons*" (Zimmers, col.6, lines 41-45). According to Zimmers, the system also includes "*a Notification Parsing System 106, which is connected to a receiver 108 that receives continuous data feed from a satellite 109 and/or is connected to a radio receiver ... that receives continuous data feeds from a radio transmitter*" (Zimmers, col.6, lines 41-52). Zimmers claims of "*analyzing identifications of atmospheric conditions in said database to identify target persons and/or locations to be notified of said atmospheric condition, retrieving from said database, individual matching communications identifiers associated with said target persons and/or locations, and establishing a communications identifier and delivering an announcement of said atmospheric condition via said communications connection*" (Zimmers, col.26, lines 13-21).

- *issuing an electronic message regarding the identified risk event to said group.* (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64; col.26, lines 1-27)

Zimmers teaches of an alert notification system that "*[includes] a database server 104 for storing a database of information ... to evaluate alerts and to deliver alert*

*notifications to appropriate persons*" (Zimmers, col.6, lines 41-45). According to Zimmers, the system also includes "a *Notification Parsing System 106, which is connected to a receiver 108 that receives continuous data feed from a satellite 109 and/or is connected to a radio receiver ... that receives continuous data feeds from a radio transmitter*" (Zimmers, col.6, lines 41-52). Zimmers claims of "*analyzing identifications of atmospheric conditions in said database to identify target persons and/or locations to be notified of said atmospheric condition, retrieving from said database, individual matching communications identifiers associated with said target persons and/or locations, and establishing a communications identifier and delivering an announcement of said atmospheric condition via said communications connection*" (Zimmers, col.26, lines 13-21).

4. With regard to claims 2-3, 17, 19, and 29, Zimmers discloses,
  - *wherein step the at least source data includes a plurality data sources, and step (b) the plurality of data sources are regularly monitored for content information.* (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64; col.26, lines 1-27)
  - *wherein the monitoring of at least one data source is performed continually.* (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64; col.26, lines 1-27)
5. With regard to claims 5, 11-12, and 30, Zimmers discloses,
  - *wherein the identification of the risk event is performed by a scope analyzer that determines if the content information relates to said individuals.* (Zimmers, col.1

line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64; col.26, lines 1-27)

6. With regard to claims 13, Zimmers discloses,

- *wherein the individuals are subscribers to an electronic message service.*  
(Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64; col.11, lines 19-49; col.12, lines 22-31; col.26, lines 1-27)

7. With regard to claims 14 and 32, Zimmers discloses,

- *further comprising the step (e) of repeating steps (a) to (b) to generate a second electronic message regarding a second risk before completing the issuance of a first electronic message regarding a first risk; (f) determining that the second electronic message has priority over the first electronic message, and (g) suspending issuance of the first electronic message to issue the second electronic message.* (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.7, lines 29-45; col.14, line 3 – col.15, line 53)

8. With regard to claims 16, Zimmers discloses,

- *wherein the computer server further comprises a risk analyzer that prioritizes said one or more risk events, and causes said content engine to first issue said messages regarding a high priority risk event.* (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.7, lines 29-45; col.14, line 3 – col.15, line 53)

9. With regard to claims 21-24, Zimmers discloses,

- *wherein said data sources are remote from the server, and a wide area network links said data sources to said server.* (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64; col.26, lines 1-27)
- *wherein said wide area network is an Internet.* (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64; col.26, lines 1-27)
- *wherein said data sources include a geological activity survey data source and a weather data source.* (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64; col.26, lines 1-27)
- *wherein said content engine is electronically linked to a public sender interface, wherein said interface includes a user terminal to accept manual entry of messages to be sent by the content engine.* (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64; col.26, lines 1-27)

10. With regard to claims 26-27, Zimmers discloses,

- *wherein said subscriber database is a preexisting database of subscribers to an organization.* (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64; col.11, lines 10-18; col.26, lines 1-27)
- *wherein said preexisting database of subscribers is a plurality of databases of subscribers to different organizations.* (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64; col.11, lines 10-18; col.26, lines 1-27)

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
12. Claims 4, 6-10, 18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmers et al. (US006816878B1) and in view of Ehrlich et al. (US006442269B1).
13. With regard to claims 4, 6-10, 18, 28, Zimmers discloses,

See *claims 1, 15 and 25* rejection as detailed above.

However, Zimmers does not explicitly disclose,

  - *wherein the monitoring of at least one data source is performed by periodically polling the data source.*
  - *wherein the monitoring of at least one data source includes sequentially monitoring a plurality of data sources in accordance with a data source polling priority determined by an access control program.*

Ehrlich teaches,

  - *wherein the monitoring of at least one data source is performed by periodically polling the data source.* (Ehrlich, col.3, lines 43-61; col.5, line 57 – col.6, line 2)

Flanagan states that it is the conventional method to “*periodically poll a data source and store the poll result in a database*” (Ehrlich, col.5, lines 64-66).

  - *wherein the monitoring of at least one data source includes sequentially monitoring a plurality of data sources in accordance with a data source polling*

*priority determined by an access control program.* (Ehrlich, col.3, lines 43-61; col.5, line 57 – col.6, line 2)

Flanagan states that it is the conventional method to “*periodically poll a data source and store the poll result in a database*” (Ehrlich, col.5, lines 64-66).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Flanagan and the teachings of Zimmers to provide an alternative method of collecting data from data sources, for the purpose of generating alerts or notifications of interested environmental conditions, by incorporating the well known method of periodically polling a data source and storing the poll result in a separate database.

14. Claims 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmers et al. (US006816878B1) and in view of Hass et al. (US006725255B1).

15. With regard to claims 33-37, Zimmers discloses,

- *monitoring the at least one source of data for content information related to risk events;* (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64)

Zimmers teaches of an alert notification system that “[*includes*] a database server 104 for storing a database of information ... to evaluate alerts and to deliver alert notifications to appropriate persons” (Zimmers, col.6, lines 41-45). According to Zimmers, the system also includes “*a Notification Parsing System 106, which is connected to a receiver 108 that receives continuous data feed from a satellite 109 and/or is connected to a radio receiver ... that receives continuous data*

*feeds from a radio transmitter*" (Zimmers, col.6, lines 41-52). Also, "*in addition to satellite and radio broadcasts, NPS 106 may also receive information via Internet destination*" (Zimmers, col.6, lines 55-58).

- *analyzing the content information to identify risk events related to a group of said individuals, and* (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64; col.26, lines 1-27)

Zimmers teaches of an alert notification system that "*[includes] a database server 104 for storing a database of information ... to evaluate alerts and to deliver alert notifications to appropriate persons*" (Zimmers, col.6, lines 41-45). According to Zimmers, the system also includes "*a Notification Parsing System 106, which is connected to a receiver 108 that receives continuous data feed from a satellite 109 and/or is connected to a radio receiver ... that receives continuous data feeds from a radio transmitter*" (Zimmers, col.6, lines 41-52). Zimmers claims of "*analyzing identifications of atmospheric conditions in said database to identify target persons and/or locations to be notified of said atmospheric condition, retrieving from said database, individual matching communications identifiers associated with said target persons and/or locations, and establishing a communications identifier and delivering an announcement of said atmospheric condition via said communications connection*" (Zimmers, col.26, lines 13-21).

- *generating a first electronic message regarding the identified risk event to said group, wherein said first electronic message is intended for a first type of electronic device.* (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64; col.26, lines 1-27)

Zimmers teaches of an alert notification system that “[includes] a database server 104 for storing a database of information … to evaluate alerts and to deliver alert notifications to appropriate persons” (Zimmers, col.6, lines 41-45). According to Zimmers, the system also includes “a Notification Parsing System 106, which is connected to a receiver 108 that receives continuous data feed from a satellite 109 and/or is connected to a radio receiver … that receives continuous data feeds from a radio transmitter” (Zimmers, col.6, lines 41-52). Zimmers claims of “analyzing identifications of atmospheric conditions in said database to identify target persons and/or locations to be notified of said atmospheric condition, retrieving from said database, individual matching communications identifiers associated with said target persons and/or locations, and establishing a communications identifier and delivering an announcement of said atmospheric condition via said communications connection” (Zimmers, col.26, lines 13-21).

- sending the first electronic message to those individuals of said group known to have the first type of electronic communication device, and (Zimmers, col.1 line 59 – col.2, line 40; col.4, line 17 – col.5, line 27; col.6, lines 37-64; col.26, lines 1-27)

Zimmers teaches of an alert notification system that “[includes] a database server 104 for storing a database of information … to evaluate alerts and to deliver alert notifications to appropriate persons” (Zimmers, col.6, lines 41-45). According to Zimmers, the system also includes “a Notification Parsing System 106, which is connected to a receiver 108 that receives continuous data feed from a satellite 109 and/or is connected to a radio receiver … that receives continuous data feeds from a radio transmitter” (Zimmers, col.6, lines 41-52). Zimmers claims of

*"analyzing identifications of atmospheric conditions in said database to identify target persons and/or locations to be notified of said atmospheric condition, retrieving from said database, individual matching communications identifiers associated with said target persons and/or locations, and establishing a communications identifier and delivering an announcement of said atmospheric condition via said communications connection"* (Zimmers, col.26, lines 13-21).

However, Zimmers do not explicitly disclose,

- *generating an alternative electronic message regarding the identified risk event to said group, wherein said alternative electronic message is intended for a second type of communication device;*
- *sending the second electronic message to those individuals of said group known to have the second type of electronic communication device.*

Hass teaches,

- *generating an alternative electronic message regarding the identified risk event to said group, wherein said alternative electronic message is intended for a second type of communication device; (Hass, 5, lines 25-65)*
- *sending the second electronic message to those individuals of said group known to have the second type of electronic communication device. (Hass, 5, lines 25-65)*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Hass with the teachings of Zimmers to provide multiple methods for alerting or notifying the user or groups of users of interested environmental conditions.

***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571/272-6159. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

*Thomas Duong (AU2145)*

*June 26, 2005*

*V. Martin Wallace*  
VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER